

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

LORRAINE BLACKWELL LEWIS EL, )  
                                )  
                                )  
Plaintiff,                 )  
                                )  
v.                            )                           1:13CV1119  
                                )  
                                )  
ALL AMERICAN BAIL BONDS, INC., )  
CRIMINAL MAGISTRATE INC.,    )  
GREENSBORO MUNICIPAL INC.,    )  
GUILFORD COUNTY SHERIFF OFFICE, )  
                                )  
Defendants.                 )

**ORDER**

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on December 31, 2013, was served on the parties in this action. On January 16, 2014, Plaintiff filed a document labeled "Leave of Court to Amend Complaint." However, the filing is bereft of explanation and no proposed amended complaint was submitted. See Bogdan v. Hous. Auth. of Winston-Salem, No. 1:05CV00568, 2006 WL 3848693, at \*3 (M.D.N.C. Dec. 29, 2006) (stating that plaintiff must include copy of the proposed amendment or at least the substance of the proposed amended complaint, citing Fed. R. Civ. P. 7(b)(1)). Insofar as Plaintiff is attempting to proceed *pro se*, the court construes her filing liberally as both an objection and a request for additional time to file an amended complaint.

The court has conducted a review of the matters set forth in the Plaintiff's filing and made a *de novo* determination. The court's review is in accord with the Recommendation. Moreover, Plaintiff has not provided any basis to indicate that any amendment would cure the defects in the present complaint noted by the Magistrate Judge. Therefore, the Recommendation is hereby adopted, and any request for additional time to file an amendment to the present complaint is denied. Consistent with the Recommendation, the current complaint will be dismissed without prejudice to Plaintiff's filing of a new action that corrects the defects noted in the Recommendation. However, Plaintiff is cautioned that nothing in this decision tolls any applicable statute of limitations or other time restriction that may apply to any claim she may intend to file.

IT IS THEREFORE ORDERED that this action is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B) for failing to state a claim upon which relief may be granted, without prejudice to Plaintiff filing a new complaint as noted in the Recommendation of the United States Magistrate Judge.

/s/ Thomas D. Schroeder  
United States District Judge

January 28, 2014